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# A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. Section 281-78, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) No person shall possess any open liquor container or consume any liquor on any:

(1) Public highway, except as permitted in section 291-3.4;

(2) Public sidewalk~~[, including any]~~;

(3) Any sidewalk within a public housing project as defined in section 356D-1 or 356D-91; or

~~[(3)]~~ (4) Common area of a public housing project as defined in section 356D-1 or 356D-91. For purposes of this paragraph, "common area" means roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and ~~[+]~~exits~~[+]~~ of the building or buildings, basements, yards, gardens, recreational facilities, parking areas, storage spaces, and other parts of the project normally in common use or other

1 areas designated by the Hawaii public housing  
2 authority.

3 For the purposes of paragraphs (3) and (4), possessing an  
4 open liquor container shall be prima facie evidence that a  
5 person is consuming liquor."

6 SECTION 2. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2010.

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**Report Title:**

Public Housing; Alcohol Consumption; Prohibition

**Description:**

Prohibits possession of open liquor containers in public housing common areas and on public streets and sidewalks. Deems possession of an open liquor container in a sidewalk or common area of a public housing project as prima facie evidence of consumption of liquor. (SD1)

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